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TO RUEHC/SECSTATE WASHDC IMMEDIATE 2784  
INFO RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE  
RUEHAS/AMEMBASSY ALGIERS IMMEDIATE 1409  
RUEHMD/AMEMBASSY MADRID IMMEDIATE 6262  
RUEHMK/AMEMBASSY NOUAKCHOTT IMMEDIATE 0091  
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SUBJECT: UNGA: MOROCCO AND ALGERIA AGREE ON CONSENSUS  
WESTERN SAHARA RESOLUTION

¶1. Summary. The UNGA Fourth Committee adopted its resolution on the Western Sahara by consensus October 15 following Moroccan-Algerian agreement on its text, which showcases support for the negotiating process launched in April, features constructive ambiguity on self-determination, and eschews any characterization of the Moroccan autonomy plan (see para 9). The emergence of a consensus resolution is a surprising, but welcome, development that contrasts with the hard-line positions that both parties had expressed in their position papers and opening statements. Despite this development, we doubt that either side has abandoned the core of its position; more likely, neither wants to complicate the next MINURSO renewal and both may find it convenient to kick the overall issue down the road. End Summary.

¶2. The UNGA Fourth Committee adopted an Algerian draft resolution on the Question of Western Sahara by consensus October 15 (text in para 6). The agreement on the text, reached by Morocco and Algeria on October 11, the eve of Eid al-Fitr, surprised most delegations, given the positions of Algeria and Morocco only three days earlier at the beginning of a five-day debate on the Western Sahara. In position papers handed out prior to the start of the debate and in their opening statements, both Morocco and Algeria had established firm and opposing positions on what would constitute an acceptable text.

¶3. In its October 8 intervention, Morocco had insisted that any acceptable resolution must reflect recent developments, especially its submission of an autonomy proposal in April, that it avoid jeopardizing the current dynamics or altering the terms of reference of the ongoing negotiations, that it be in compliance with the terms and spirit of UNSCR 1754 (that it recognize its preference for the Moroccan proposal as a basis for negotiations); and that it avoid legitimizing rigid positions and consecrating outdated proposals (that it drop references to the Baker Plan). Algeria, in its October 8 intervention, had stressed its continuing support for the Baker Plan approved by UNSCR 1495, underscored the principle of self-determination as the ultimate essential purpose of UNSCR 1754, which launched Western Sahara negotiations in April, and declared that the unconditional negotiations called for by UNSCR 1754 had negated any claim of the parties to predetermine the basis of the negotiations.

¶4. Two lively rounds of rights of replies following opening statements seemed to deepen the potential divide between the Morocco and Algerian positions. In its right of reply, Morocco accused Algeria of "not evolving" with the times, instead continuing to impede solutions, asserted that the Polisario Front has never been the sole voice of the Sahrawis

and that most Sahrawi do not live in camps but in "Southern Morocco," and insisted that its autonomy proposal was the legitimate proposal within the "hierarchy of proposals" accepted by UNSCR 1754. Algeria, in turn, characterized Morocco's claim for its proposal as "a very selective reading," insisted that UNSCR 1754 takes into account both the Moroccan and the Polisario proposals on a basis of equality, noted that the Polisario is the representative of the Western Sahara, and suggested that Morocco fears a referendum -- this being the only reason Morocco would not support a true exercise of self-determination.

15. Despite these publicly proclaimed differences, Algerian and Moroccan negotiating teams took up an initial Algerian draft and hammered out an agreed text over three days of negotiations. The final text satisfies the Moroccan preference that the reference to the Baker Plan (UNSCR 1495) in last year's resolution be removed from the operative paragraphs and replaced with reference to UNSCR 1754, as well as its preference that characterization of UNSCR 1495 in the preambular section of last year's resolution ("...1495 (2003) of 31 July 2003, in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties...") be deleted. For its part, Algeria was satisfied that Morocco did not insist on including references to the UNSCR 1754 language that termed the Moroccan proposal to be "serious and credible."

16. Apparently the key to the agreement was the preambular language offered by Morocco: "Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in General Assembly

resolutions 1524 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the General Assembly...." This language would seem to provide Morocco support for its insistence that its autonomy plan provides the exercise of self-determination required by UN resolutions. At the same time, the language provides Polisario negotiators support for their insistence that Morocco agree to discuss their proposal in future negotiations.

17. Some 47 petitioners and ten countries addressed the Fourth Committee on the Western Sahara during the five days of debate, none breaking any new ground. Of the 47 petitioners, 36 spoke in support of the Polisario position of self-determination and a referendum with independence as an option. Many referred to Morocco as an "occupying power" and called upon the Fourth Committee to act to halt "human rights violations" in the Western Sahara. Petitioners speaking on behalf of the Moroccan position focused on the suffering and mistreatment of Polisario refugees in camps in Algeria and questioned the extent to which the Polisario really represents the Sahrawis, the majority of whom still live in the Western Sahara.

18. Comment: We will be seeking out the Moroccan and Algerian delegations and the Polisario representatives in New York to determine what lay behind the ability of the Moroccans and Algerians to reconcile seemingly irreconcilable positions in agreeing on a consensus text. Both delegations decided to keep the focus on the ongoing negotiating process instead of trying to score points against each other, but we doubt that either side has abandoned the core of its position as expressed at the beginning of the debate. It is more likely that Morocco and Algeria did not want to complicate the next MINURSO renewal, but that, as the negotiations move toward a third round, Morocco and the Polisario, with Algeria behind it, will interpret the present resolution in their own favor. Many observers view the current posture of the parties as one of kicking the issues down the road, permitting the Moroccans to create more facts on the ground while allowing the Polisario and Algeria to await a shift in the politics

that surround these issues.

¶9. Consensus text of "Question of Western Sahara" follows.  
Begin Text:

The General Assembly,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the people concerned and in conformity with the clearly defined principles contained in General Assembly resolutions 1524 (XV) of 15 December 1960 and 1541 (XV) of 15 December 1960 and other resolutions of the General Assembly,

Recalling its resolution 60/114 of 8 December 2005,

Recalling also all resolutions of the General Assembly and the Security Council on the question of Western Sahara,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 1359 (2001) of 29 June 2001, 1429 (2002) of 30 July 2002, 1495 (2003) of 31 July 2003, 1541 (2004) of 29 April 2004, 1570 (2004) of 28 October 2004, 1598 (2005) of 28 April 2005, 1634 (2005) of 28 October 2005, 1675 (2006) of 28 April 2006 and 1720 (2006) of 31 October 2006,

Welcoming the adoption of Security Council resolution 1754 (2007) on 30 April 2007,

Expressing its satisfaction that the parties have met on 18 and 19 June and on 10 and 11 August 2007 under the auspices of the Personal Envoy of the Secretary-General and in the presence of the neighboring countries and that they have agreed to continue the negotiations,

Calling upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy and with each other,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara,

Welcoming in this regard the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution to the dispute, which will provide for the self-determination of the people of Western Sahara,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having also examined the report of the Secretary-General

¶1. Takes note of the report of the Secretary-General,

¶2. Supports strongly Security Council resolution 1754 (2007), by which the Council called upon the parties to enter into negotiations without preconditions in good faith, taking into account the developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara;

¶3. Welcomes the ongoing negotiations between the parties held

on 18 and 19 June and on 10 and 11 August 2007 in the presence of the neighboring countries under the auspices of the United Nations;

¶4. Commends the efforts undertaken by the Secretary-General and his Personal Envoy for the implementation of Security Council resolution 1754 (2007) and encourages the parties to continue to show political will and a spirit of cooperation in supporting those efforts and to create a propitious atmosphere for dialogue and the success of the negotiations;

¶5. Calls upon the parties to cooperate with the International Committee of the Red Cross and calls upon them to abide by their obligations under international humanitarian law;

¶6. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the General Assembly at its sixty-third session;

¶7. Invites the Secretary-General to submit to the General Assembly at its sixty-third session a report on the implementation of the present resolution.

End Text.

KHALILZAD